

750 7th Avenue - 26th floor
New York, NY 10019

www.mishconnewyork.com

February 27, 2015

Direct Tel: 212-612-3265
Direct Fax: 212-612-3297
E-mail: Vincent.Filardo@Mishcon.com

By ECF

Honorable Richard M. Berman
United States District Court
For the Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Courtroom 17B
New York, NY 10007

Re: Rio Tinto plc v. Vale, S.A., et al.
Civ. Action No. 14-cv-3042 (RMB) (S.D.N.Y.)

Dear Judge Berman:

This Firm is counsel to foreign defendants BSG Resources Limited (“BSGR”) and Benjamin Steinmetz (together, “BSG Defendants”) in the above-captioned Action. We write in response to defendant Vale, S.A.’s (“Vale”) request this evening that the parties now be ordered to bring a principal to the conference scheduled for Monday, March 2, 2015, concerning the status of any settlement discussions between the parties (“Status Conference”).

As counsel for Vale acknowledges in its letter, Your Honor did not require the parties to bring a principal to the Status Conference, and the Scheduling Order setting the Status Conference makes no reference to such a requirement. *See* Docket No. 163. Accordingly, we did not discuss with our clients the need for a principal representative to be present at the Status Conference, have not made any such arrangements, and, at this late date and time, no representative of our clients is available to be in New York for the Status Conference on Monday.

Moreover, given the BSG Defendants’ unresolved objections to personal jurisdiction in this District, and pending Fed. R. Civ. P. 12(b)(2) Motion to Dismiss for lack of personal jurisdiction, among other grounds, we have previously advised our clients to refrain from entering the District until their personal jurisdiction objections are resolved, and Motion to Dismiss decided.

Nonetheless, as their counsel, we are authorized and prepared to participate on our clients' behalf at the Status Conference, including in any discussions concerning a possible resolution of this Action.

Respectfully,

/s/Vincent Filardo, Jr.

Vincent Filardo, Jr.

cc: All Counsel of Record (by ECF)